

Meeting Minutes

Board of County Commissioners Hyde County

Monday, July 1, 2013

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order on Monday, July 1, 2013, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. Technical difficulties were corrected by Justin Gibbs and Clint Berry. The meeting began at 6:20 p.m. with voice recognition at both locations but with no visual capabilities on the Mainland.

The following members were present on the mainland: Commissioners Anson Byrd, Dick Tunnell and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public. Commissioner Earl Pugh, Jr. was absent and Commissioner John Fletcher arrived at 6:45 p.m. The following members were present on Ocracoke: Public Information Officer Sarah Johnson and members of the public.

Following opening prayer by Commissioner Byrd and pledge of allegiance, the meeting was called to order.

Agenda:

Chairman Swindell asked for any changes to the July 1, 2013 meeting Agenda as presented by the Clerk. Commissioner Tunnell moved to approve the agenda as presented by the Clerk with addition of Consideration of Minutes – Item 2 – June 24, 2013 Special Commissioners and ABC Board Meeting Minutes; Item 1 (c) – Reappoint Jury Commission Member Doris Weston; and Item 8 (a) NC Lottery Funds – Ocracoke Gymnasium Expansion and (d) – NC Lottery Funds – QZAB Bond Payment. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

Consideration of Minutes:

Commissioner Tunnell moved to approve the June 3, 2013 Regular Meeting Minutes of the Hyde County Board of Commissioners as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

Commissioner Byrd moved to approve the June 24, 2013 Special Meeting Minutes of the Hyde County Board of Commissioners and Hyde County ABC Board as presented by the Clerk. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

Public Comments:

Chairman Swindell called for comments from the public.

Fred Westervelt, Ocracoke – noted concern over the National Park Service's (NPS) new proposal to facilitate public beach access. Public Hearing is scheduled for August and he requested the NPS hold one public hearing at a site convenient for Ocracoke and Mainland Hyde County citizens.

There being no further comments from the public, Chairman Swindell continued the meeting.

Items of Consideration:

Appointment – Tax Assessor

Commissioner Byrd moved to re-appoint Linda Basnight to serve another 4-year term as Hyde County Tax Assessor. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

Designation of Voting Delegate To NCACC Annual Conference

Manager Rich reported the 106th NCACC Annual Conference will be held in August in Guilford County. Hyde County has been asked to elect a Designated Voting Delegate to represent the County at this conference. No action taken.

Appointment – Jury Commission

Manager Rich received request from Clerk of Court Sharon Sadler for re-appointment of Doris Weston to serve another two year term on the Jury Commission.

Commissioner Byrd moved to re-appoint Doris Weston to serve another 2-year term on the Jury Commission commencing on July 1, 2013. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

Appointment – ABC Board Members

Chairman Swindell called for nominees for appointment to the ABC Board.

Commissioner Byrd suggested each commissioner appoint an ABC Board member from his district with staggering two and three year terms.

County Attorney Fred Holscher advised the Board to appoint nominees Glenda Williams and Meredith Nicholson now and fill remaining vacancies at the next Commissioners meeting.

Commissioner Fletcher arrived at 6:45 p.m.

ABC Board Chairman Keith Parker-Lowe reported that Vicki Gibbs, General Manager and Board Member Glenda Williams continue to sign checks for the ABC Board.

Commissioner Fletcher moved to appoint Glenda Williams and Meredith Nicholson to serve on the Hyde County ABC Board. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

ABC Board Audit Update

During the previous Board meeting on June 3, Manager Rich reported the FY2012-2013 ABC Board Audit was incomplete because retirement payment for full-time employees had not been made.

Manager Rich and Commissioner Byrd attended the ABC Board's Budget/Audit presentation on June 24. Manager Rich attended on June 28. Jeff Best, CPA, Pittard Perry & Crone, Inc. presented the FY2012-2013 Hyde County ABC Board Audit and ABC Board Chairman Keith Parker-Lowe presented the FY2013-2014 proposed ABC Board budget.

Commissioner Byrd questioned administration costs coming from the Swan Quarter ABC Store.

Keith Parker-Lowe reported the ABC Board will prorate salaries for both stores based on expenses and sales. He reported proposed changes are being made to resolve audit findings and other issues.

Chairman Swindell would like to see the State ABC Board satisfied with Hyde County ABC Board financial management and reporting and possible monies owed Hyde County for travel reimbursements and other charges.

BHM Regional Library Agreement

Commissioner Tunnell moved to approve the BHM Regional Library Agreement effective July 1, 2013. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Amendment to Hyde County Recreation Committee Bylaws

Kris Noble, Planning Director, presented the following proposed changes to the Recreation Committee Bylaws:

- *Article 1.a. – Meetings will be held at the Hyde Government Center and the Ocracoke School Commons via teleconferencing equipment on a quarterly basis unless determined otherwise by the Committee.*
- *Article 2.a. - Allow a County staff liaison to be designated as Secretary in a non-voting position, change election of officers to the last meeting of each calendar year.*
- *Article 2.b. – Officers to take office at the first meeting of each calendar year.*
- *Article 6.b.3. – Omit mention of Dare County Parks & Recreation.*
- *Article 6.b.4. - A nominating committee is to be appointed at least 30 days prior to the last meeting of each calendar year.*
- *Article 7 – Change due date of annual reports to the first and second meeting of each calendar year.*

Commissioner Tunnell moved to adopt the Hyde County Recreation Committee Bylaws as amended. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Amendment of The Hyde County Recreation Committee Ordinance

Kris Noble, Planning Director, reported the Hyde County Recreation Committee has worked over the last several months to analyze and revise the “Ordinance Creating a Recreation Advisory Committee”. Changes include allowing a County staff liaison to be designated as Secretary in a non-voting position; election of officers at the last meeting of each calendar year with officers taking office at the first meeting of each calendar year; and, a nominating committee appointed at least 30 days prior to the last meeting of each calendar year.

Commissioner Tunnell moved to approve “Amendment of The Hyde County Recreation Committee Ordinance”. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Clerk's Note: A copy of “Amendment of The Hyde County Recreation Committee Ordinance” is attached herewith as Exhibit A and incorporated herein by reference.

Creekside Drive Waterline Relocation Project Ordinance

Kris Noble, Planning Director, reported Secondary Road Improvement funding to grade, drain, base and pave Creekside Drive (SR1135) has been approved by NCDOT. In order to move forward with this paving project utilities located along the project area must be relocated. Hyde County is responsible for the design, engineering, permitting and construction of the waterline relocation using funding provided by NCDOT. Ms. Noble reported that Swan Quarter Sanitary District will also re-locate its lines on Creekside Drive.

Commissioner Byrd moved to approve Amendment “Creekside Drive Waterline Relocation Project – Project Ordinance 2013-07-01”. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting – Pugh.

Clerk's Note: A copy of “Creekside Drive Waterline Relocation Project – Project Ordinance 2013-07-01” is attached herewith as Exhibit B and incorporated herein by reference.

Construction Bid Tab and Contract Approval for Creekside Drive Waterline Relocation

Clint Berry, Utilities Director, reported advertisement for bids for furnishing labor, material, equipment and entering into the construction of existing waterlines in accordance with a NCDOT driven water line relocation project along Creekside Drive, Swan Quarter, NC (SR1135) was issued on May 31, 2013 with sealed bids due on June 17, 2013. Three bids were received: TALCO - \$98,125.00, Herring Rivenbark - \$73,130.00, and Carolina Marine Structures - \$74,360.00. Mr. Berry and Kris Noble evaluated and ranked the bids. Mr. Berry recommended the construction contract be awarded to Herring Rivenbark, the low bidder.

Commissioner Byrd moved to approve award of the water line relocation project contract to Herring Rivenbark, Inc., pending NCDOT approval and county attorney approval. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Engineering Services for Creekside Drive Waterline Relocation

Clint Berry, Utilities Director, reported a Request for Proposals (RFP) for Engineering Services to assist in utility locating and surveying, engineering design, jurisdictional permitting, and construction administration and inspection for an NCDOT driven waterline relocation project along Creekside Drive (SR1135) in Swan Quarter, NC, was issued on May 31, 2013 with RFP's due on June 21, 2013. Three Proposals were received: Rivers & Associates, Quibble and Lamm Engineering & Associates. RFP's were evaluated and ranked by Clint Berry and Kris Noble. Mr. Berry recommended award of the engineering contract to Lamm Engineering Associates, PLLC.

Commissioner Fletcher moved to authorize the County Manager to execute Contract to Provide Services for Engineering Design and Construction Administration for the Creekside Drive Waterline Relocation Project between the County of Hyde and Lamm Engineering Associates, PLLC pending NCDOT approval and approval of the contract documents by the County Attorney. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Ocracoke Sanitation Meeting – Public Water

Kris Noble, Planning Director, reported that she and Manager Rich were able to meet with members of the Ocracoke Sanitary Board to discuss water system improvement needs on the Island. They will be working with the Sanitary Board as they move forward with reaching their goals and objectives towards water system improvements. Ms. Noble will research grant funding to assist with the project.

Community Transformation Grant Region 9 Application for Update to Hyde County Parks and Recreation Master Plan

Kris Noble, Planning Director, reported that the goal of the Region 9 Community Transformation Grant (CTG) Project is to support public health efforts in local communities to reduce chronic diseases, promote healthier lifestyles, reduce health disparities and control healthcare spending. The intent of the Region 9 CTG Project funding proposal is to provide start-up funds for projects that will attain self-sufficiency in no more than one year and to provide funds to enhance existing projects that relate to CTG Project Strategic Directions.

The Hyde County Office of Economic Development and Planning requested \$12,000.00 in grant funds which will be matched with \$10,000.00 from in-kind services from staff (office hours for Kris Noble and Averil Simmons). The funding will be used to complete an asset inventory with needs analysis that will be compiled in order to update the Hyde County Parks and Recreation Master Plan last completed in 2002.

Commissioner Fletcher moved to authorize submittal of application, acceptance of grant funds and authorization for staff to complete in-kind services. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Board of Education Funding Request

Dr. Randolph Latimore presented Hyde County Board of Education (Mainland and Ocracoke) funding issues. He requested additional funding for the state's Low Wealth Funding and NC Pre-K programs.

Commissioner Fletcher moved to increase funds to the Hyde County School Board in the amount of \$48,000.00 from the General Fund. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher and Tunnell; Nays – Swindell; Absent or not voting –Pugh.

North Carolina Education Lottery Funds

Corrinne Gibbs, Finance Officer, presented requests for release of NC Education Lottery Funds from the Public School Building Capital Fund (Lottery Distribution) for QZAB Bond Payment - \$55,965.00 and Ocracoke Gymnasium Expansion - \$63,538.51.

In accordance with NC General Statutes, Chapter 18C, G.S. 115C-546.2, a portion of the North Carolina State Lottery Fund shall be transferred to the Public School Building Capital Fund. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds ...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.

Commissioner Fletcher moved to approve release of \$55,965.00 from the Public School Building Capital Fund (Lottery Distribution) for the QZAB Bond Payment. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

Commissioner Fletcher moved to approve release of \$63,538.51 from the Public School Building Capital Fund (Lottery Distribution) for the Ocracoke Gymnasium Expansion Payment. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

2013 Solid Waste Grant

Clint Berry, Utilities Director, reported that the Solid Waste Department has been awarded a 2013 Community Waste Reduction and Recycling Grant. The Division of Environmental Assistance and Outreach (NCDENR) and Hyde County grant agreement for a total of \$18,550.00 in state funding will begin on July 1, 2013 with an end-date of June 30, 2014. Mr. Berry reported the funds will be used to purchase three (3) additional galvanized trailers to use for electronics collection; a 20' x 140' car top to store the trailers under; and, a concrete pad to park the trailers on.

Commissioner Fletcher moved to accept the 2013 Community Waste Reduction and Recycling Outreach Grant funds in the amount of \$18,550.00. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting – Pugh.

Agreement for Hyde County Medical Director

Justin Gibbs, Emergency Services Director, reported that at its December 3, 2012 Commissioners meeting the Board agreed to compensate Dr. Charles O. Boyette for Medical Director Services provided from January 1, 2013 to June 30, 2013. This agreement was awarded on a temporary basis and at a reduced rate due to the request for compensation being filed after the fiscal year had begun.

Mr. Gibbs presented an updated long-term agreement between the County and Dr. Boyette for Medical Director Services with all expenses associated with the terms of this agreement budgeted for in FY2013-2014. The initial term of the Agreement shall be July 1, 2013 through June 30, 2014. However, it shall extend automatically and renew annually for up to four (4) additional one (1) year periods. The total duration of this agreement shall not exceed five years.

Commissioner Tunnell moved to accept the Agreement for Hyde County Medical Director with Dr. Charles O. Boyette. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting – Pugh.

FY2012-2013 Hyde County Audit Update

County Manager Rich reported that although not mandatory per Board motion on June 3, 2013, he authorized a Request for Proposal (RFP) sent out for the FY2012-2013 Hyde County Audit. Four responses were sent out for the RFP and two submittals received. Manager Rich recommended award of the Audit Contract to Andrew Harris, CPA.

Commissioner Byrd moved to award the FY12-13 Hyde County Audit Contract to Thompson, Price, Scott, Adams & Co., PA. The motion died for lack of a second.

Commissioner Byrd moved to re-open bidding for the FY12-13 Hyde County Audit Contract and to re-send the RFP. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher and Swindell; Nays – Tunnell; Absent or not voting – Pugh.

Commissioner Fletcher moved to award the FY12-13 Hyde County Audit Contract to Andrew Harris, CPA. The motion died for lack of a second.

Chairman Swindell requested a list of contracts and agreements needing renewal. The Board will award the FY2012-2013 Hyde County Audit Contract at the next regularly scheduled Board of Commissioners meeting on August 5, 2013.

Fire Inspections – Level I, II, III

County Manager Rich recommended the Board hire Dean Burbage, Certified Building Inspector, on a part-time basis solely for the purpose of conducting fire inspections.

Commissioner Byrd moved to hire Dean Burbage to perform fire inspections beginning on Ocracoke at a rate of \$37.00/hour. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Swindell and Tunnell; Nays – None; Absent or not voting – Pugh.

Amendment to Chapter 32, Section 54(d) – Solid Waste Ordinance

Wesley Smith, Health Director, reported that Section 54(d) of Chapter 32 – Solid Waste Ordinance – lists the county health director, sanitarian and county manager as primary enforcement officers. This ordinance was adopted by the Board of Commissioners at the time the county did not have a solid waste division and relied upon the local health department to assist in abatement of solid waste issues. Now that the county has a solid waste division, under the Public Utilities Department, the local health department no longer needs to serve as primary enforcement officers for solid waste issues, unless the situation rises to the level for the local Health Director to abate public health nuisances and/or imminent hazards pursuant to G.S. 130A-19 and G.S. 130A-20. At their Board of Health meeting on June 18, 2013, the board approved a motion for the Health Director to communicate with the County Manager about amending Chapter 32, Section 54(d) to remove both the county health director and sanitarian as primary enforcement officers of the ordinance, and replace them with the Public Utilities Director and/or Solid Waste Supervisor.

Commissioner Byrd moved to approve amendment of Chapter 32, Section 54(d) of the Hyde County Solid Waste Ordinance to remove both the county health director and sanitarian as primary enforcement officers of the ordinance, and replace them with the Public Utilities Director and/or

Solid Waste Supervisor. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Swindell and Tunnell; Nays – None; Absent or not voting – Pugh.

Clerk's Note: A copy of "An Ordinance To Amend Chapter 32, Solid Waste – Article III. Management and Regulations, Section 32-54. Enforcement" is attached herewith as Exhibit C and incorporated herein by reference.

Projects Update

Manager Rich presented update on various projects on-going in Hyde County.

- Ocracoke Chipper – the new chipper program starts on July 10, 2013.
- Ocracoke Community Square Revitalization Project (CSRP) – Ocracoke Foundation, Inc. (OFI) requests County participation in applying for Small Business Entrepreneurial Assistance (SBEA) grant funds up to \$250,000.00 and Parks and Recreation Trust Fund (PARTF) grant funds up to \$500,000.00. The goal of the project is to protect the hub of commerce and social activity along the Ocracoke waterfront. No Board action is required at this time.
- Roof Repairs – Robert Griffin, Dean Burbage and Clint Berry met on Monday, June 10th to discuss Government Center roof repairs. Robert Griffin, Dean Burbage and Kevin (a roofer from REI) will meet on July 8, 2013. Commissioner Byrd asked to attend this meeting.
- ECB Building Update – Press Release and Renovations - VantageSouth Bank (formerly ECB) employees will vacate the building by the end of August. A press release to promote good will for transition of the ECB building to the County will be sent.
- Animal Control Issues – Manager Rich, Health Director Smith and Kelly Pellegrino of Hyde County NC Animal Friends were interviewed by WITN-7 News regarding funding for animal control issues in Hyde County and will air on Monday, July 8th at 6:00 p.m.
- Top Gear TV Show – is hoping to send a vehicle into Pamlico Sound on July 17-18 to travel to Ocracoke Lighthouse.
- Possible Tax Increase Request – West Quarter/Double and Bay Rates – capital improvements are needed and a tax assessment may be requested.
- Healthcare Issues – if a part-time employee works up to 30 hours he/she would be eligible for healthcare benefits under Obama Care.

Budget Revisions

Manager Rich approved revisions based on Manager's authority given on June 3, 2013. The Hyde County Board of Commissioners adopted "Resolution Authorizing the County Manager to Reconcile Departmental Budgets" for year-end closeout under the following conditions:

- Transfer amounts between objects of expenditure within a department except salary amounts without limitations
- Transfer amounts up to \$10,000 between departments of the same fund with an official report of such transfers to be made available for approval at the next meeting of the Board of Commissioners
- Not transfer any amounts between funds nor from contingency within any fund
- Assign legal costs to departments based upon the legal issue involved

No transfers needed Board approval but all were presented.

Closed Session

Commissioner Byrd moved to enter into closed session at 8:11 p.m. in accordance with §143-318.11 (a) (6) – personnel matters. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting – Pugh.

Commissioner Byrd moved to come out of closed session at 8:33 p.m. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Swindell and Tunnell; Nays – None; Absent or not voting – Pugh.

Management Reports:

Commissioner Byrd – reported that he attended the ECBH meeting where the number of people serving on the ECBH Commission has been reduced from 21 to 9 members. Hyde County will not be on this board until 2016. Mr. Byrd also reported the Black Bear Management Bill made it through the House of Representatives.

Commissioner Byrd emphasized the need for accuracy when presenting information to the Board for approval. He referenced citizen concerns about the Waterway Landing/Pocossin Farms Resolution recently approved by the Board; and, recent report on EMS call statistics.

Manager Rich reported he had verified the Waterway Landing/Pocossin Farms information by talking to Attorney Hood Ellis, Ken Collier and Kevin Armstrong on behalf of Waterway Landing Homeowners Association.

Commissioner Tunnell – reported that he attended the Recreation Committee meeting and that he is concerned about the proposed anti-shrimping bill that will prohibit all trawling in Pamlico Sound.

Manager Rich will research the bill and present a resolution at the next regularly scheduled Board meeting on Monday, August 5, 2013.

Commissioner Fletcher – reported that he attended the OCBA and Planning Board meetings and suggested there be one advertising unit on Ocracoke. He also reported on conversations for additional occupancy tax on Ocracoke.

Chairman Swindell – reported that Bill Lawrence has resigned from his position on the Mainland Occupancy Tax Board and the Hyde Transit Board.

County Manager Rich – presented his June 3rd – 30th meetings calendar.

Public Comments:

Chairman Swindell called for comments from the public.

Kelly Pellegrino, Hyde County NC Animal Friends, asked Board members to reconsider the need for re-establishing full animal control in Hyde County.

There being no further comments from the public, Chairman Swindell continued the meeting.

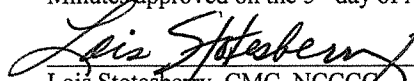
Adjourn

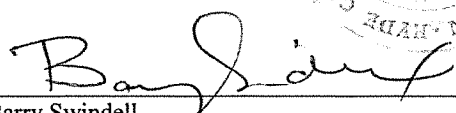
Commissioner Fletcher moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Swindell and Tunnell; Nays – None; Absent or not voting – Pugh.

The meeting adjourned at 8:50 p.m.

Respectfully submitted:

Minutes approved on the 5th day of August, 2013.


Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners


Barry Swindell
Chair, Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Amendment of The Hyde County Recreation Committee Ordinance"*

Exhibit B: *"Creekside Drive Waterline Relocation Project – Project Ordinance 2013-07-01"*

Exhibit C: *"An Ordinance To Amend Chapter 32, Solid Waste – Article III. Management and Regulations, Section 32-54. Enforcement"*

#90
ORDINANCE CREATING
RECREATION ADVISORY COMMITTEE
AMENDED JUNE 19, 2013

SECTION: CREATION; NAME; NUMBER OF MEMBERS

There is hereby created a Recreation Committee composed of eleven (11) citizens of the unit, to be known as the Recreation Committee.

SECTION: COMMITTEE; POWERS AND DUTIES

The Recreation Committee shall serve as the advisory body for the County of Hyde. The Committee shall suggest policies to the Manager and the governing body, within its powers and responsibilities as stated in this ordinance. The Committee shall serve as a liaison between the Manager and the Governing Body of the unit and citizens of the county. The Committee shall consult with and advise the Manager and the Governing Body in matters affecting recreation policies, program, personnel, finances, and the acquisition and disposal of lands and properties related to the total county recreation program, and to its long-range, projected program for recreation.

The Recreation Committee shall assume duties for recreation purposes, as follows: Make recommendations; (1) for the establishment of a system of supervised recreation for the unit; (2) to set apart for use as parks, playgrounds, recreation centers, water areas, or other recreation areas and structures, any unit's authorized body, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within those funds allocated to the Department; (3) and advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by condemnation by the unit as provided by Chapter 40A, eminent domain, of the general statutes of North Carolina and as approved by the Governing Body of the Unit; (4) and advise in the acceptance by the unit of any grant, gift, bequest or donation, any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, any grant, devise of real or personal property so acquired shall be held, by the unit, used and finally disposed of in accordance with the terms under which such grant, gift or devise is made and accepted; (5) and advise in the construction, equipping, operation, and maintenance of parks, playgrounds, recreation centers and all buildings and structures necessary or useful to recreational function, and will advise in regard to other recreation facilities which are owned or controlled by the unit or leased or loaned, to the unit.

SECTION: APPOINTMENT OF THE COMMITTEE

Each member of the Committee shall be appointed by the Governing Body of the unit.

SECTION: COMPOSITION

A member of the Governing Body of the unit may be designated as a non-voting ex-officio member of the Committee.

SECTION: LENGTH OF APPOINTMENT

Each member shall be appointed for a three-year term; however, initial appointments shall be arranged thusly: five members shall be appointed for a two-year term and five members shall be appointed for a three-year term. The governing body member shall serve on the Recreation Committee concurrent with his term of office on the Governing Body.

SECTION: MEETINGS

Committee meetings shall be held on a quarterly basis unless when determined otherwise by the Committee. The Chairman of the Committee or, in his absence, the Vice- Chairman, may call a special meeting of the Committee at any time by giving each member 24- hour notice. Special meetings will be scheduled upon request by four or more Committee members. A quorum of the Committee shall be in attendance before action of an official nature can be taken. A quorum is at least 1 more than the number absent, of the appointed members.

SECTION: ATTENDANCE OF MEMBERS

An appointed member who misses more than three (3) consecutive regular meetings loses his status as a member of the Committee until reappointed or replaced by the governing body of the unit. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Committee except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

SECTION: COMPENSATION

Committee members shall serve without monetary compensation. Members shall be reimbursed for travel and subsistancy to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the unit.

SECTION: OFFICERS

There shall be a Chairman, Vice-Chairman, and Secretary, who will be a non-voting staff liaison. An annual election of the officers shall be held by the Committee members and shall occur at the last regular meeting of each calendar year. Officers shall serve for one year from election with eligibility for re- election. New officers shall take office at the subsequent first meeting of the new calendar year. In the event an officer's appointment to the Committee is terminated, a replacement to this office shall be elected by the Committee, from its membership, at the meeting following the termination.

SECTION: OFFICER'S DUTIES

The Committee Chairman shall preside at all meetings and sign all documents relative to action taken by the Committee. The Chairman shall appoint all subcommittees including a nominating committee composed of two Committee members. A nominating committee shall be appointed at least thirty days prior to the last meeting of the calendar year.

When the Chairman is absent the Vice-Chairman shall perform the duties of the Chairman. When both the Chairman and Vice-Chairman are absent a temporary Chairman shall be selected by those members who are present.

The Secretary shall mail to all members copies of official reports and the official minutes of all regular and special meetings, prior to the next scheduled meeting.

SECTION: COMMITTEES

The Committee Chairman is authorized to appoint such committees as, in the opinion of the Committee are needed. Standing Committee suggestions are (1) program and activities; (2) areas and structures; (3) budget; (4) personnel; (5) policies and procedures. Temporary and project committees shall be appointed as needed.

SECTION: BY-LAWS

Operational policies and procedures may be incorporated into a set of By-Laws as developed and approved by the Committee in line with this ordinance and the policies of the unit.

Motion to adopt the amended Ordinance Creating a Recreation Advisory Committee was made by Dick Tunnell, seconded by John Fletcher and adopted on a vote of 4 to 0 this, the 1st day of July, 2013.

COUNTY OF HYDE

(SEAL)

Barry Swindell
BARRY SWINDELL, CHAIRMAN

ATTEST:

Leis Saterberg
CLERK TO THE BOARD



Creekside Drive Waterline Relocation Project
Project Ordinance 2013-07-01

Be it ordained by the Board of Commissioners of Hyde County, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted:

Section 1. The project authorized is the Creekside Drive Waterline Relocation Project between Hyde County and through the North Carolina Department of Transportation using Secondary Road Improvement Funding. .

Section 2. Hyde County staff is hereby directed to proceed with the North Carolina Department of Transportation Project within the terms of the document(s), the rules and regulations of the North Carolina Department of Transportation and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

<u>Creekside Drive Waterline Relocation Project</u>	
Construction Services	\$ 73,130. 00
Engineering Services	<u>31,850.00</u>
Total Project Resources	\$104,980.00

Section 4. The following amounts are appropriated for completion of the project activities:

<u>Creekside Drive Waterline Relocation Project</u>	
Construction Services	\$ 73,130. 00
Engineering Services	<u>31,850.00</u>
Total Project Resources	\$104,980.00

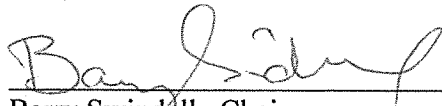
Section 5. The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Transportation required by the agreement(s) and federal and state regulations, as they apply.

Section 6. The Finance Officer is directed to report on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

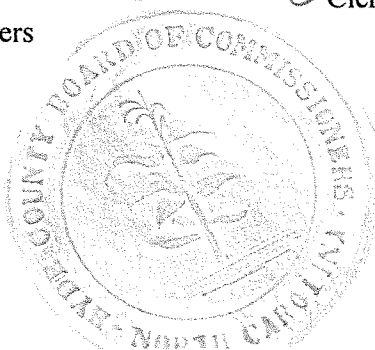
Adopted this 1st day of July 2013

ATTEST


Barry Swindell, Chair
Hyde County Board of Commissioners


Clerk to the Board

SEAL



**AN ORDINANCE TO AMEND CHAPTER 32, SOLID WASTE – ARTICLE III.
MANAGEMENT AND REGULATIONS, SECTION 32-54. ENFORCEMENT**

WHEREAS, Article III, Management and Regulations, of Chapter 32, Section 32-54. Enforcement (d) *Officers* – identifies the Health Director as one of the enforcement officials for the Hyde County Solid Waste Ordinance.

WHEREAS, at the time this ordinance was adopted by the Hyde County Board of Commissioners, the County did not have a solid waste division and relied on the health department to assist in abatement of solid waste issues.

WHEREAS, Hyde County now has a Solid Waste Division, under the Public Utilities Department and the local health department no longer needs to serve as the primary enforcement officer for solid waste issues, unless the situation rises to the level for the local Health Director to abate public health nuisances and imminent hazards pursuant to G.S. 130A-19 and G.S. 130A-20.

WHEREAS, the Hyde County Board of Health approves amendment of Chapter 32 – Solid Waste Ordinance – Section 32-54 (d) to remove both the County Health Director and Sanitarian as primary enforcement officers of the ordinance and to replace them with the Public Utilities Director and/or Solid Waste Supervisor; and, the Health Department would become involved only in those situations that were a public health nuisance or imminent hazard.

NOW THEREFORE BE IT ORDAINED by the Hyde County Board of Commissioners that Chapter 32, Section 32-54 Enforcement (d) – Officers is amended as follows.

Sec. 32-54. Enforcement.

- (d). Officers. The ~~county health director, sanitarian~~ Public Utilities Director and/or Solid Waste Supervisor and County Manager shall be the primary enforcement officers with the aid and assistance of the sheriff and his department.
(Ord. No. 116, § VI, 7-15-2002)

This ordinance shall become effective July 1, 2013.

This the 1st day of July, 2013.


Barry Swindell, Chairman

ATTEST:


Lois Stotesberry, Clerk

